

In re Application of:
Jin Liu et al.
Application No.: 10/574,163
Filed: March 29, 2006
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PATENT
Attorney Docket No.: 133-80285.US

REMARKS

Claims 1-7, 9, 12-30, 35-40, and 56-58 have been canceled without prejudice or disclaimer. Claims 31 and 32 have been amended. Applicants respectfully request entry of the amendments set forth in this response under 37 C.F.R. §1.116. Subsequent to the entry of the present amendment, claims 31 and 32 are pending and at issue. The language of the pending claim is fully supported by the specification and original claims.

I. Amendments to the Claims

Claims 31 and 32 have been amended to incorporate the limitations of claim 1, from which they depend. As such, this amendment adds no new matter and is fully supported by the claims as filed.

II. Rejections under 35 U.S.C. §102(b)

Claims 1-7, 12-21, 23-25 and 28-30 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,665,589 (Harris et al). Final Office Action at p. 2.

Without acquiescing to the rejection and solely in an effort to advance prosecution of the application toward allowance, claims 1-7, 12-21, 23-25 and 28-30 have been canceled. Applicants submit that the rejection is moot in view of the cancelation of the rejected claims.

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Accordingly, reconsideration and withdrawal of rejection of claims 1-7, 12-21, 23-25 and 28-30 under 35 U.S.C. §102(b) is respectfully requested.

Claims 1, 4-7, 9-22 and 30 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,107,043 (Jauregui et al). Final Office Action at p. 4.

Without acquiescing to the rejection and solely in an effort to advance prosecution of the application toward allowance, claims 1, 4-7, 9-22 and 30 have been canceled. Applicants submit that the rejection is moot in view of the cancelation of the rejected claims.

Accordingly, reconsideration and withdrawal of rejection of claims 1, 4-7, 9-22 and 30 under 35 U.S.C. §102(b) is respectfully requested.

III. Rejection under 35 U.S.C. §103(a)

Claims 1-7, 9 and 12-30 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Nos. 5,665,589 (Harris et al), and 6,107, 043 (Jauregui et al) in view of U.S. Patent Nos. 6,653,105 (Triglia et al). Final Office Action at p. 5.

Without acquiescing to the rejection and solely in an effort to advance prosecution of the application toward allowance, claims 1-7, 9 and 12-30 have been canceled. Applicants submit that the rejection is moot in view of the cancelation of the rejected claims.

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Accordingly, reconsideration and withdrawal of rejection of claims 11-7, 9 and 12-30 under 35 U.S.C. §103(a) is respectfully requested.

IV. Objections to the Claims and Allowable Subject Matter

Claims 31 and 32, drawn to the cell lines Fa2N-4 (ATCC PTA-5566) and EalC-35 (ATCC PTA-5565), have been found by the Examiner to free be from prior art. Office Action at p. 10. Claims 31 and 32 have been objected to as being dependent upon a rejected base claim. Id. The Examiner notes, however, that claims 31 and 32 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Id.

Claims 31 and 32 have been amended to independent form, incorporating the limitations of base claim 1. There being no intervening claims, Applicants submit that claims 31 and 32, as amended, are in condition for allowance.

Accordingly, reconsideration and withdrawal of objection to claims 31 and 32 is respectfully requested.

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V. Conclusion

In view of the foregoing amendments and remarks, Applicants submit that the claims are in condition for allowance, and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

As the Response is timely filed within two months of the mailing date of the Final Office Action, no fee is believed necessary in connection with the filing of this paper. However, the Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. **50-4243**.

Respectfully submitted,

Date: March 10, 2009



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